

86th Legislative Session – 2011

Committee: Senate Appropriations

Wednesday, February 16, 2011

P - Present
E - Excused
A - Absent

Roll Call

P Sutton
P Haverly
P Heineman
P Novstrup (Al)
P Peters
P Putnam
P Rampelberg
P Tidemann, Vice-Chair
P Brown, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chairman Corey Brown.

SB 187: revise certain provisions regarding the dairy inspection fund.

Presented by: Jon Farris, Department of Agriculture

Proponents: Brenda Forman, SD Dairy Producers & SD Assoc. of Cooperatives

MOTION: DO PASS SB 187

Moved by: Tidemann

Second by: Peters

Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Sutton, Haverly, Heineman, Novstrup (Al), Peters, Putnam, Rampelberg, Tidemann, Brown

SB 188: revise certain provisions regarding the eligibility of National Guard members for certain graduate tuition reductions.

Presented by: Josh Larson, Bureau of Finance and Management

MOTION: DO PASS SB 188

Moved by: Peters

Second by: Haverly

Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Sutton, Haverly, Heineman, Novstrup (Al), Peters, Putnam, Rampelberg, Tidemann, Brown

SB 199: appropriate money from the property tax reduction fund for the enhancement of human capital.

Presented by: Senator Cooper Garnos

Proponents: Corey Landeen, SD State Employees Organization

Sandra Waltman, SD Education Association

Charlie Flowers, SD Coalition of Schools & Midsize Schools

Opponents: Jim Terwilliger, Bureau of Finance and Management

MOTION: TO TABLE SB 199

Moved by: Haverly

Second by: Peters

Action: Prevailed by roll call vote. (7-1-1-0)

Voting Yes: Haverly, Heineman, Novstrup (Al), Putnam, Rampelberg, Tidemann, Brown

Voting No: Sutton

Excused: Peters

SB 124: appropriate money for the Northern Crops Institute.

Presented by: Senator Larry Tidemann

Proponents: Rick Vallery, SD Wheat Inc. (Handouts: No. 1)

Opponents: Josh Larson, Bureau of Finance and Management

MOTION: AMEND SB 124

On page 1, line 3, of the printed bill, delete "fifty thousand" and insert "one".

On page 1, line 4, delete "dollars (\$50,000)" and insert "dollar (\$1)".

Moved by: Putnam
Second by: Heineman
Action: Prevailed by voice vote.

MOTION: AMEND SB 124

124mb

On page 1, line 3, of the printed bill, delete "from the general fund" and insert "in other fund expenditure authority".

Moved by: Putnam
Second by: Rampelberg
Action: Prevailed by voice vote.

MOTION: DO PASS SB 124 AS AMENDED

Moved by: Peters
Second by: Rampelberg
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Sutton, Haverly, Heineman, Novstrup (Al), Peters, Putnam, Rampelberg, Tidemann, Brown

MOTION: ADJOURN

Moved by: Peters
Second by: Rampelberg
Action: Prevailed by voice vote.

Barb Bjorneberg
Committee Secretary

Corey Brown, Chair

86th Legislative Session – 2011

Committee: Senate Health and Human Services

Wednesday, February 16, 2011

P - Present
E - Excused
A - Absent

Roll Call

P Hunhoff (Jean), Chair
P Kraus, Vice-Chair
P Rave
P Holien
E Krebs
E Schlekeway
P Bradford

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Jean Hunhoff, Chair.

MOTION: TO APPROVE THE MINUTES OF MONDAY, FEBRUARY 14, 2011.

Moved by: Rave
Second by: Kraus
Action: Prevailed by voice vote.

DEPARTMENT OF SOCIAL SERVICES AND DEPARTMENT OF HUMAN SERVICES:
Mental Health Transition

Deb Bowman, Office of the Governor
Amy Iversen-Pollreisz, Department of Human Services (Handout: 1)
Kim Malsam-Rysdon, Department of Social Services

SB 136: enhance certain provider services.

Presented by: Senator Tim Rave

MOTION: DO PASS SB 136

Moved by: Rave

Second by: Kraus

Action: Prevailed by roll call vote. (5-0-2-0)

Voting Yes: Hunhoff (Jean), Kraus, Rave, Holien, Bradford

Excused: Krebs, Schlekeway

GAVEL PASSED TO SENATOR ELIZABETH KRAUS, VICE CHAIR.

SB 140: revise certain provisions concerning health care.

Presented by: Senator Jean Hunhoff

Proponents: Deb Bowman, Office of the Governor

Ken Senger, SD Association of Healthcare Organizations

Sam Wilson, AARP, Sioux Falls

MOTION: AMEND SB 140

140ja

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. The Department of Social Services shall designate access critical nursing facilities annually as part of the medicaid rate setting process. The department shall designate the access critical nursing facilities according to the following criteria:

- (1) No other nursing facility is located within twenty miles;
- (2) The nursing facility is located in the largest municipality within thirty-five miles, unless the next closest nursing facility is located more than fifty miles from any other nursing facility;
- (3) The nursing facility provides skilled nursing facility services;
- (4) The nursing facility is integrated with other health care services, either through affiliation with other services or through formal agreement;
- (5) The projected nursing facility demand within the county in which the facility is located

is less than sixty beds in 2015; and

- (6) The nursing facility agrees to relinquish any excess moratorium beds that are authorized pursuant to § 34-12-35.4."

Moved by: Rave
Second by: Holien
Action: Prevailed by voice vote.

MOTION: DO PASS SB 140 AS AMENDED

Moved by: Hunhoff (Jean)
Second by: Rave
Action: Prevailed by roll call vote. (5-0-2-0)

Voting Yes: Hunhoff (Jean), Kraus, Rave, Holien, Bradford

Excused: Krebs, Schlekeway

MOTION: AMEND TITLE OF SB 140

140jta

On page 1, line 1, of the printed bill, delete everything after "to" and insert "provide for access critical nursing facilities to ensure access to health care within a reasonable distance."

Moved by: Rave
Second by: Hunhoff (Jean)
Action: Prevailed by voice vote.

GAVEL PASSED TO SENATOR JEAN HUNHOFF, CHAIR.

MOTION: ADJOURN

Moved by: Rave
Second by: Kraus
Action: Prevailed by voice vote.

Cindy Louder
Committee Secretary

Jean M. Hunhoff, Chair

Committee Agenda

Committee: Senate Local Government
Room: 412
Date: Wednesday, February 16, 2011
Time: 7:45 AM

Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

[SB 175](#) **provide for the participation of independent voters in primary elections.**
Senators Adelstein, Cutler, Holien, and Lederman and Representative Venner

[HB 1044](#)* **revise certain water project district voter eligibility provisions.**
Representatives Jones, Blake, Bolin, Boomgarden, Gibson, and Nelson (Stace) and Senators Hundstad and Frerichs

[HB 1051](#)* **provide deadlines for the transmission of voter registration files.**
Representatives Elliott, Blake, Bolin, Dennert, Feickert, Jones, Kirschman, Schaefer, Sigdestad, and Street and Senators Krebs, Hundstad, and Maher

[HB 1057](#) **repeal the provision that requires the county auditor to assist in locating unregistered mobile homes.**
Representatives Deelstra, Cronin, Feickert, Kirkeby, Olson (Betty), and Venner and Senators Holien, Bradford, Buhl, Frysliie, and Tieszen

[HB 1096](#) **repeal certain provisions relating to the appointment of municipal officers.**
Representatives Deelstra and Schrempp and Senators Holien and Bradford

[HB 1118](#) **revise certain provisions concerning the extraterritorial jurisdiction of a municipalities.**
Representatives Kirkeby and Brunner and Senators Schlekeway and Lederman

[HB 1119](#)* **revise the procedure for reissuing certain alcoholic beverage licenses.**
Representatives Kirkeby, Brunner, Cronin, Dryden, Gibson, Hansen (Jon), Hoffman, Olson (Betty), Solum, Street, Tulson, and Turbiville and Senators Haverly, Maher, Nelson (Tom), Nygaard, Putnam, and Rhoden

TODD SCHLEKEWAY, Chair

86th Legislative Session – 2011

Committee: Senate State Affairs

Wednesday, February 16, 2011

P - Present
E - Excused
A - Absent

Roll Call

P Adelstein
P Cutler
P Frerichs
P Garnos
P Gray
P Johnston
P Tieszen
P Olson (Russell), Vice-Chair
P Rhoden, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Larry Rhoden, Chair.

MOTION: TO APPROVE THE MINUTES OF MONDAY, FEBRUARY 14, 2011

Moved by: Cutler
Second by: Garnos
Action: Prevailed by voice vote.

MOTION: CONFIRM APPOINTMENT OF PAT COSTELLO OF HUGHES COUNTY, PIERRE, SOUTH DAKOTA, TO THE POSITION OF SECRETARY OF THE DEPARTMENT OF TOURISM & STATE DEVELOPMENT

Moved by: Johnston
Second by: Cutler
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Adelstein, Cutler, Frerichs, Garnos, Gray, Johnston, Tieszen, Olson (Russell), Rhoden

MOTION: CONFIRM REAPPOINTMENT OF PATRICIA LEBRUN OF PENNINGTON COUNTY, RAPID CITY, SOUTH DAKOTA, TO THE SOUTH DAKOTA SCIENCE AND TECHNOLOGY AUTHORITY

Moved by: Adelstein
Second by: Frerichs
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Adelstein, Cutler, Frerichs, Garnos, Gray, Johnston, Tieszen, Olson (Russell), Rhoden

SB 56: revise the qualifications of a county veterans' service officer.

Presented by: Senator Eldon Nygaard
Proponents: Wade Hubbard, State Veterans Commission

MOTION: DEFER SB 56 TO THE 41ST LEGISLATIVE DAY

Moved by: Olson (Russell)
Second by: Johnston
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Adelstein, Cutler, Frerichs, Garnos, Gray, Johnston, Tieszen, Olson (Russell), Rhoden

SB 150: provide for entertainment for the good of South Dakota.

Presented by: Senator Larry Tidemann

MOTION: DEFER SB 150 TO THE 41ST LEGISLATIVE DAY

Moved by: Adelstein
Second by: Garnos
Action: Prevailed by roll call vote. (8-0-1-0)

Voting Yes: Adelstein, Cutler, Frerichs, Garnos, Johnston, Tieszen, Olson (Russell), Rhoden

Excused: Gray

SB 201: restrict the application of certain foreign laws, legal codes, and system with respect to state legal proceedings.

Presented by: Senator Dan Lederman
Proponents: David Yerushalim, self, New York, NY
Opponents: Tom Barnett, State Bar Association of South Dakota
Sam Ellingson, ACLU of SD
David Owen, SD Chamber of Commerce & Industry
Tim Dougherty, Citibank of South Dakota
Steve Siegel, SD Trial Lawyers

Marty Yackley, Attorney General, was call forward by the Chair for clarification of certain points.

MOTION: DEFER SB 201 TO THE 41ST LEGISLATIVE DAY

Moved by: Gray
Second by: Garnos
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DO PASS SB 201

Moved by: Adelstein
Second by: Frerichs
Action: Failed by roll call vote. (3-6-0-0)

Voting Yes: Adelstein, Cutler, Johnston

Voting No: Frerichs, Garnos, Gray, Tieszen, Olson (Russell), Rhoden

MOTION: DEFER SB 201 TO THE 41ST LEGISLATIVE DAY

Moved by: Gray
Second by: Garnos
Action: Prevailed by roll call vote. (8-1-0-0)

Voting Yes: Cutler, Frerichs, Garnos, Gray, Johnston, Tieszen, Olson (Russell), Rhoden

Voting No: Adelstein

SB 170: amend the South Dakota Uniform Securities Act with certain provisions relating to fraud and civil liability.

Presented by: Senator Dan Lederman
Proponents: David Yerushalim, self, New York, NY
Opponents: Erin McIntyre Menkhaus, SD Securities Division

Tom Barnett, State Bar Association of South Dakota
Dave Gerdes, Securities Industry and Financial Markets Association
Sam Ellingson, ACLU of SD
Bob Miller, BankWest Pierre

MOTION: DEFER SB 170 TO THE 41ST LEGISLATIVE DAY

Moved by: Gray
Second by: Johnston
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Adelstein, Cutler, Frerichs, Garnos, Gray, Johnston, Tieszen, Olson (Russell), Rhoden

THE CHAIR DEFERRED SB 174 UNTIL TUESDAY, FEBRUARY 22, 2011

THE CHAIR DEFERRED SB 134 UNTIL TUESDAY, FEBRUARY 22, 2011

THE CHAIR DEFERRED SB 135 UNTIL TUESDAY, FEBRUARY 22, 2011

MOTION: ADJOURN

Moved by: Cutler
Second by: Garnos
Action: Prevailed by voice vote.

Cheri Hauschild
Committee Secretary

Larry Rhoden, Chair

Committee Agenda

Committee: Senate Taxation
Room: 423
Date: Wednesday, February 16, 2011
Time: 10:00 AM

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No meeting will be held
Wednesday, February 16, 2011

TOM HANSEN, Chair

Committee Agenda

Committee: Senate Transportation
Room: 423
Date: Wednesday, February 16, 2011
Time: 8:00 AM

Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

[SB 181](#) **increase the length limitation for certain motor vehicles.**
Senators Frerichs and Rampelberg and Representatives Greenfield and Russell

BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

MIKE VEHLE, Chair